

GROW SOUTHWEST INDIANA WORKFORCE BOARD, INC.
D/B/A
SOUTHWEST INDIANA WIRED

REQUEST for PROPOSAL

Inland Intermodal Feasibility Study

Release RFP
May 20, 2008

Pre-Bid Conference
June 2, 2008

Question Submission Deadline
June 9, 2008

Proposal Submission Deadline
June 23, 2008

Bidder Interviews
July 10, 2008

Selection of Provider
July 10, 2008

Contract Effective Date
August 1, 2008 (planned)

Grow Southwest Indiana Workforce Board, Inc. d/b/a Southwest Indiana WIRED
318 Main Street, Suite 221
Evansville, Indiana 47708
Tel. 812-492-4303

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Request for Proposal Inland Intermodal Feasibility Study

The Grow Southwest Indiana Workforce Board is soliciting proposals through Southwest Indiana WIRED (Workforce Innovation in Regional Economic Development) in response to Request for Proposal (RFP), for an **Inland Intermodal Feasibility Study**.

The goal of this study is to evaluate and determine the feasibility, and issues related to the development, of an inland intermodal facility in Southwest Indiana. Then evaluate the ability of an inland intermodal facility to generate benefits to the public as well as the private sector in the form of regional community impacts and increased supply chain efficiency and reliability.

A previous report conducted by the firm of R.L. Banks & Associates, Inc., dated August 31, 2006 provides the basis for the new RFP. The work required by this RFP is an updating and expansion of the original "R.L. Banks Report"; and the expectation is that the study will provide Southwest Indiana WIRED with the following:

1. Refined estimates for multi-modal traffic within the region, current and projected.
2. Identify the level of interest from railroads, shippers, developers and others as to their commitment to the project.
3. Quantify the economic case for the project, capital cost and return on investment (ROI) as well as the economic impact on the region.
4. Identification of a site(s), provide a conceptual development plan and associated site development costs
5. An outline of the steps and processes necessary to implement the project.
6. Develop materials for presentations to:
 - a. Railroads, shippers and other users of the facility
 - b. Potential developers and other investors
 - c. Community leaders and other interested parties
 - d. Local, regional, state and federal government agencies and officials

The consultant or consultant team should have experience in the following:

- The collection and analysis of transportation, distribution and logistics data
- Railroad projects as they relate to intermodal projects
- The development of financial data with respect to cost, ROI and economic impact of intermodal facilities
- The planning and design of intermodal/TDL facilities
- The planning and design of industrial parks and related facilities
- Knowledge of potential public funding sources for intermodal infrastructure

The RFP is comprised of the following nine (9) parts presented herein as Attachments:

1. Proposal Information, Organization and Content
2. Scope of Work
3. Proposed Evaluation Form
4. Interview Evaluation Form
5. Contract Budget Explanatory Information
6. Debarment and Suspension Certification
7. Southwest Indiana WIRED Conflict of Interest Form
8. Disadvantaged Business Enterprise (DBE) Requirements
9. Southwest Indiana WIRED Multi-Modal Task Force Members

PROPOSAL SUBMISSION

One (1) original (clearly marked/stamped as such) **one (1) electronic** copy and **six (6) copies** shall be received by Southwest Indiana WIRED by **3:00 p.m.** (Central) on **June 16, 2008** and directed to:

Theresa Current
Office Manager
Southwest Indiana WIRED
318 Main Street
Suite 221
Evansville, Indiana 47708

All submissions are considered a matter of public record.

Your proposal must be received by Southwest Indiana WIRED by the deadline specified above. Late submissions will not be accepted. Also, faxed proposals will not be accepted. Any proposal received after the deadline will be returned to the consultant/vendor without further consideration.

PRE-BID CONFERENCE

The purpose of the pre-bid conference is to provide new or updated solicitation information, provide clarification regarding the RFP package, answer general questions, regarding proposal preparation. All prospective bidders are encouraged to attend the pre-bid conference. However, attendance is not mandatory.

Location and time are as follows:

Date: June 2, 2008
Time: 10:00 a.m. – 11:00 a.m. (CDT)
Location: Southwest Indiana WIRED
Innovation Pointe Conference Room
318 Main Street, 5th Floor
Evansville, Indiana 47708

The deadline to submit questions is June 3, 2008. Questions must be submitted in writing to the attention of:

Theresa Current
Office Manager
Southwest Indiana WIRED
Email: theresa.current@southwestindianawired.com

Answers to questions will be posted on Southwest Indiana WIRED's website under the corresponding RFP no later than three (3) working days after the deadline to submit questions.

BUDGET PARAMETERS

Any proposal exceeding the budget specified in this RFP will not be accepted.

Total Budget: Not to exceed \$350,000 in the Calendar Years 2008 and 2009.

Note: Funding for this project is contingent upon availability of funds at the time of contract award.

PERIOD OF PERFORMANCE

The maximum period of performance for this contract is eight (8) months. There will be a 6-month base period, plus an additional 2-month option. Exercising the 2-month option will be at the discretion of Southwest Indiana WIRED and based on satisfactory performance.

Cost proposals should be prepared for the 6-month period but may include the additional 2-month option.

PROJECTED TIMELINE (all times CDT)

RFP Released	May 20, 2008
Pre-Bid Conference	June 2, 2008 at 10:00 a.m. CDT
Deadline to Submit Questions	June 9, 2008 at 5:00 p.m. CDT
Posting of Answers to Questions	June 12, 2008 at 5:00 p.m. CDT
RFP Due Date	June 23, 2008 at 3:00 p.m. CDT
Proposal Evaluations	July 2, 2008
Consultant Interviews	July 10, 2008
Final Selection	July 10, 2008
Approval by Southwest Indiana WIRED	(TBD)
Contact Execution	

SELECTION PROCESS

- Proposals will be ranked in accordance with the criteria described in Attachment 3 and 4.
- Respondents may be invited for an interview.

STIPULATIONS

Southwest Indiana WIRED reserves the right to disqualify any and all proposals that are not submitted in accordance with the required format described in this RFP.

Southwest Indiana WIRED reserves the right to reject any and all proposals submitted, or to request additional information.

All respondents must be aware that a Certificate of Insurance must be provided by the successful consultant or vendor prior to contract award. A contract may not be awarded if insurance requirements are not met.

Southwest Indiana WIRED does not reimburse respondents for the cost of proposal preparation, even in the event of RFP cancellation.

Disadvantaged Business Enterprises (DBEs), as defined in Title 49, Part 26 of the Code of Federal Regulations, are strongly encouraged to apply.

Debriefings will not be provided by Southwest Indiana WIRED.

Communication between the proposer and any member of the Proposal Review Team during the selection process is prohibited, except when and in the manner expressly authorized in the Request for Proposal. Violation of this restriction is grounds for disqualification.

The contract for this work will be awarded to the firm that the Proposal Review Team deems best qualified.

Every proposal submitted is considered a firm offer that must be valid for a minimum of ninety (90) calendar days.

If applicable, Southwest Indiana WIRED prefers that software, which might be developed for this RFP, not incorporate proprietary and/or third party software components. This does not preclude the development of deliverables which interface with commonly-available off-the-shelf software. However, contractors must determine in advance whether Southwest Indiana WIRED has, or is willing to procure, appropriate licenses for any proprietary and/or third party software that would be required. Impact of enhancements and upgrades must also be provided. Southwest Indiana WIRED will require delivery of documentation and source code for all electronic intellectual property developed under the Southwest Indiana WIRED contract prior to releasing final payment to the contractor.

NOTIFICATION OF RIGHT TO PROTEST CONTRACT AWARD

Respondents have the right to protest the contract award in compliance with Southwest Indiana WIRED guidelines, which may be reviewed upon request. A written protest must be filed with Southwest Indiana WIRED's Executive Director within five (5) working days after posting of the Notice of Intent to Award. No verbal protests will be accepted. The protest must be a detailed, written statement of the protest grounds and reference the RFP and name of the designated contract administrator. The protest must be submitted to Southwest Indiana WIRED's Executive Director via both certified mail and fax using the following address and fax number:

Theresa Current
Office manager
Southwest Indiana WIRED
318 Main Street
Suite 221
Evansville, Indiana 47708
Fax: (812) 426-6138

The contract award is held up when Southwest Indiana WIRED's Executive Director receives the protest on time. The contract may not be awarded until the protest is either withdrawn or Southwest Indiana WIRED's Executive Director has rendered a decision.

CONTACT INFORMATION

Any questions regarding this RFP may be directed in writing to:

Theresa Current
Office Manager
Southwest Indiana WIRED
318 Main Street
Suite 221
Evansville, Indiana 47708
Email: theresa.current@southwestindianawired.com

Attachment 1

PROPOSAL INFORMATION, ORGANIZATION AND CONTENT

All proposals shall contain, at a minimum, the following information:

Title Page

The following must be provided on the title page:

- RFP Name
- Title of Project
- Name and Address of Firm
- Phone/Fax of Firm
- Prime Contact Person
- Email of the Prime Contact Person
- Signature of the Individual Authorized/Obligated to Commit the Firm to this Project

Table of Contents

A clear identification of the materials by section and page numbers.

Technical Approach

- A statement and discussion of the project objectives, concerns and sensitive key issues.
- A technical approach for performing the study includes a detailed Scope of Work along with a program for executing the requirements and objectives of the project. A description of the technical approach to be followed for each task or activity in Southwest Indiana WIRED's Scope of Work (Attachment 2) and annotated outlines of the final report (as applicable) are to be included.
- A discussion of the difficulties expected or anticipated in performing the study, along with a discussion of how the respondent proposes to overcome or mitigate against those difficulties.
- A detailed schedule for completion of the work, including performance and delivery schedules indicating phases or segments of the project, milestones, and significant events.
- A statement of the extent to which the respondent's proposed approach and Scope of Work will meet or exceed the stated objectives discussed in this RFP. Furthermore, a discussion of how the respondent would modify the project, schedule, and/or cost to better meet these objectives without exceeding the stated budget amount.

Fee Structure/Financial Form

- Proposals must include a line item budget in the format and detail shown in Attachment 5. A similar detailed budget is required of each sub-consultant whose portion of the work is \$25,000 or more.
- Proposals must include a budget summary by task.

Attachment 1, cont.

Profile of Respondent

- A statement indicating if the firm is local or national and a summary of representative experience relevant to the work described in the Scope of Work for this RFP.
- The location and telephone number of the office from which the work is to be done.
- Identification of the individuals who will perform the work, including officers, project managers and key staff. State the time commitment and include resumes for key individuals.

References

- Provide a list of at least three references, including the names of contact persons within the firms. References should not include any Southwest Indiana WIRED staff, Grow Southwest Indiana Workforce Board members or Proposal Review Team.
- Required Forms
- The Debarment and Suspension Certification (Attachment 6) must be fully completed by all parties to the proposal (prime and sub-consultants).
- The Southwest Indiana WIRED Conflict of Interest Form (Attachment 7) must be fully completed by all parties to the proposal whose portion of the work is valued at \$25,000 or more. All persons seeking contracts valued at \$25,000 or more must complete and submit this Southwest Indiana WIRED Conflict of Interest Form along with the proposal. This requirement also applies to all proposed sub-consultants whose portion of the overall work is valued at \$25,000 or more.
- Award of this RFP is conditional upon satisfying the Disadvantaged Business Enterprise (DBE) requirements (Attachment 8). Any proposal submitted without meeting the DBE goal or demonstrating good faith to meet the DBE goal will automatically be disqualified. A Letter of Intent (Attachment 8A) must be completed by each DBE sub-consultant, and a copy of the DBE certification must be included in the proposal. DVBE, SBE, SDB, MBE or WBE certifications do not apply and may not be substituted for DBE requirements.

Southwest Indiana WIRED Contract Agreement

The successful respondent will be required to sign a Southwest Indiana WIRED contract agreement in order to receive the contract award. The contract will be submitted to respondent for review prior to signature and awarding of the contract. Respondents will be given the opportunity to respond in writing with any concerns or objections they would have with any of the contract terms and conditions; and, shall propose alternative language for consideration.

CONTRACT LANGUAGE IS SUBJECT TO CHANGE PRIOR TO CONTRACT EXECUTION.

Attachment 2

Scope of Work

Inland Intermodal RFP

The Grow Southwest Indiana Workforce Board is soliciting proposals through the Southwest Indiana WIRED (Workforce Innovation in Regional Economic Development) to evaluate and determine the feasibility, and issues related to the development, of an inland intermodal facility in Southwest Indiana.

Specifically, the study will provide the following:

- Collection and analysis of transportation, distribution and logistics data.
- Refined estimates for multi-modal traffic within the region, current and projected.
- Identify the level of interest from railroads, shippers, developers and other as to their commitment to the project.
- Quantify the economic case for the project, capital cost and return on investment (ROI) as well as the economic impact on the region.
- Identification of a site(s), provide a conceptual development plan and associated site development costs
- Provide an outline of the steps and process necessary to implement the project.
- Develop presentation materials.

The goal of this study is to document the feasibility, design requirements, conceptual design, and financial data for an Inland Intermodal Facility in Southwest Indiana.

The study is to be completed within the Calendar Years of 2008 and 2009, as earlier outlined within the RFP.

Task 1

Update previous intermodal study, as well as document and assess current and future freight demands.

The consultant will update the data contained with the R.L. Banks Report dated August 31, 2006; and, report on any other data the consultant deems pertinent to the evaluative portion of the study.

Deliverable: An update of the previous study data as well as report on other pertinent data.

Target Budget: 10% of project total.

Task 2

Conduct interviews with as well as survey representatives in the logistics, trucking, railroad, air cargo, and other groups such as the Ports of Indiana to determine the feasibility and potential demand for an Inland Intermodal Facility.

Conduct interviews with shippers, as well as representatives in the logistics, air cargo, trucking and railroad industries to determine their willingness to use the Inland Intermodal Facility proposed in Task 3, the impact of an Inland Intermodal Facility on their operations, and their willingness to financially support the development and operation. These interviews should also be designed to elicit feedback on unmet needs for logistics facilities within the region.

Deliverable: Report on surveys and interviews with representatives in the logistics, trucking and railroad industries; and, others as appropriate.

Target Budget: 20% of project total.

Attachment 2, cont.

Task 3

Identify, Evaluate and Rank sites for an Inland Intermodal Facility.

Consultant should identify, evaluate and rank the best site(s) within Southwest Indiana to house an Inland Intermodal Facility as well as describe existing regional logistics assets which can be utilized to develop and support the facility.

Deliverable: Working paper identifying the best site(s) for Inland Intermodal Facility.

Target Budget: 10% of project total.

Task 4

Prepare presentation materials to be used in the marketing process.

Consultant should prepare the presentation materials needed to market the Inland Intermodal Facility to private and public partners to garner their support. Those partners include, but are not limited to, railroads, shippers, developers, investors, government officials and community leaders.

Deliverable: Marketing materials in a variety of media: printed, electronic, web-based, etc.

Target Budget: 10% of project total.

Task 5

Develop a business case and potential public funding sources for Inland Intermodal Facility.

Conduct a preliminary analysis of potential regional, environmental, economic and community costs and benefits of an Inland Intermodal Facility. Consultant should determine the capital costs for constructing needed facilities and improvements. The estimate should include benefits such as the number of additional jobs an Inland Intermodal Facility could potentially generate, both direct and indirect. Should the analysis determine that negative environmental impacts could result from the implementation of an Inland Intermodal Facility, propose possible mitigation measures for those impacts as well as potential cost ranges for mitigation.

Deliverable: Working paper on the costs and benefits of an Inland Intermodal Facility.

Target Budget: 20% of project total.

Task 6

Identify and facilitate meetings/discussions with potential railroad and developer partners, as well as federal agencies.

Consultant should clearly identify potential railroad and developer partners with the expectation to arrange and facilitate meetings with such to discuss the potential of developing an Inland Intermodal Facility in Southwest Indiana

Deliverable: Report detailing potential railroad and developer partners as well as federal agencies, contact information, and arranging/facilitating meetings with those groups.

Target Budget: 30% of project total.

Attachment 3**PROPOSAL EVALUATION FORM
Inland Intermodal RFP**

Consultant Name: _____

Evaluation Criteria	Max. Possible Points
TECHNICAL APPROACH <ul style="list-style-type: none"> • Tasks & approach described • Creative/innovative approach • Project intent has been met • Understanding of regional goods movement System and issues <ul style="list-style-type: none"> • Ability to feed information to Southwest Indiana WIRED and other modeling/planning efforts 	35
CONSULTANT FIRMS <u>Prime Consultant:</u> <ul style="list-style-type: none"> • Familiar with regional & local issues • Capability to reallocate resources as needed to meet project schedule • Experience with similar project of the same size and scope <u>Sub-Consultant(s):</u> <ul style="list-style-type: none"> • Each sub provides unique service(s) to team • Subs are fully capable of performing their tasks 	30
PROJECT MANAGEMENT <ul style="list-style-type: none"> • Reasonable total number & distribution of hours • Qualifications of key individuals • Time commitment of key individuals 	15
PROJECT COST <ul style="list-style-type: none"> • Realistic cost for services to be performed • Allocation of cost to tasks & activities 	10
REASONABLENESS OF SCHEDULE <ul style="list-style-type: none"> • Total time allocated for each task is reasonable • Logical & realistic timing of each task • Overall schedule consistent with Southwest Indiana WIRED 	10
REFERENCES <ul style="list-style-type: none"> • Similar projects completed on time and within budget 	PASS/FAIL
TOTAL	100

Attachment 4

INTERVIEW EVALUATION FORM
Inland Intermodal RFP

Consultant Name: _____

Evaluation Criteria	Max. Possible Points
TECHNICAL APPROACH <ul style="list-style-type: none"> • Tasks & approach clearly described • Creative/innovative approach • Project intent has been met • Understanding of regional goods movement system and issues • Ability to feed information to Southwest Indiana WIRED and other modeling/planning efforts 	35
CONSULTANT FIRMS: <u>Prime Consultant:</u> <ul style="list-style-type: none"> • Familiar with regional & local issues • Capability to reallocate resources as needed to meet project schedule • Experience with similar project of the same size and scope <u>Sub-Consultant(s):</u> <ul style="list-style-type: none"> • Each sub provides unique service(s) to the team • Subs are fully capable of performing their tasks 	30
PROJECT MANAGEMENT <ul style="list-style-type: none"> • Reasonable total number & distribution of hours • Qualifications of key individuals • Time commitment of key individuals 	15
PROJECT COST <ul style="list-style-type: none"> • Realistic cost for services to be performed • Allocation of cost to tasks & activities 	10
REASONABLENESS OF SCHEDULE <ul style="list-style-type: none"> • Total time allocated for each task is realistic • Logical & realistic timing of each task • Overall schedule consistent with Southwest Indiana WIRED 	10
REFERENCES <ul style="list-style-type: none"> • Similar projects completed on time and within budget 	Pass/Fail
TOTAL	100

Attachment 5

Title 49, Code of Federal Regulations, Part 29 Debarment and Suspension Certification

Inland Intermodal RFP

All persons or firms, including sub-consultants, must complete this certification and certify, under penalty of perjury, that, except as noted below, he/she or any person associated therewith in the capacity of owner, partner, director, officer or manager:

is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any Federal agency;

has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal agency within the past three (3) years;

has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years.

If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Name of Firm

Signature (original signature required)

Date

Attachment 6**SOUTHWEST INDIANA WIRED CONFLICT OF INTEREST FORM****Inland Intermodal RFP****SECTION I: INSTRUCTIONS**

All persons or firms seeking Federal funded contracts must complete and submit a Southwest Indiana WIRED Conflict of Interest Form along with the proposal. This requirement also applies to any proposed subconsultant(s). Failure to comply with this requirement may cause your proposal to be declared non-responsive.

In order to answer the questions contained in this form, please review Southwest Indiana WIRED's Conflict of Interest Policy, the list of Southwest Indiana WIRED employees, and the list of Southwest Indiana WIRED Intermodal Task Force members.

Any questions regarding the information required to be disclosed in this form should be directed in writing to Theresa Current, Office Manager, Southwest Indiana WIRED.

Name of Firm: _____

Name of Preparer: _____

Project Title: _____

RFP Number: _____ Date Submitted: _____

SECTION II: QUESTIONS

- During the last twelve (12) months, has your firm provided a source of income to employees of Southwest Indiana WIRED or members of the Southwest Indiana WIRED, or have any employees or Southwest Indiana WIRED members held any investment (including real property) in your firm?

† **YES**

| **NO**

If "yes," please list the names of those Southwest Indiana WIRED employees and/or Southwest Indiana WIRED members and the nature of the financial interest:

NAME	NATURE OF FINANCIAL INTEREST
_____	_____
_____	_____
_____	_____
_____	_____

Attachment 6, cont.

2. Have you or any members of your firm been an employee of Southwest Indiana WIRED or served as a member of Southwest Indiana WIRED within the last twelve (12) months?

| **YES** | **NO**

If "yes," please list name, position and dates of service:

Name	Position	Dates of Service
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Are you or any managers, partners, or officers of your firm related by blood or marriage/domestic partnership to an employee of Southwest Indiana WIRED or member of Southwest Indiana WIRED that is considering your proposal?

| **YES** | **NO**

If "yes," please list name and the nature of the relationship:

Name	Relationship
_____	_____
_____	_____
_____	_____
_____	_____

4. Does an employee of Southwest Indiana WIRED or a member of Southwest Indiana WIRED hold a position at your firm as a director, officer, partner, trustee, employee, or any position of management?

| **YES** | **NO**

If "yes," please list name and the nature of the relationship:

Name	Relationship
_____	_____
_____	_____
_____	_____
_____	_____

5. Have you or any managers, partners, or officers of your firm ever given (directly or indirectly), or offered to give on behalf of another or through another person, campaign contributions or gifts to

Attachment 6, cont.

any current employee of Southwest Indiana WIRED or member of Southwest Indiana WIRED (including contributions to a political committee created by or on behalf of a member/candidate)?

| **YES** | **NO**

If "yes," please list name, date of gift or contribution was given/offered, and dollar value:

Name	Date	Dollar Value
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SECTION III: VALIDATION STATEMENT

This Validation Statement must be completed and signed by at least one General Partner, Owner, Principal, or Officer authorized to legally commit the selected firm.

DECLARATION

I, (printed full name) _____, (Social Security Number; optional) _____ hereby declare that I am the (position or title) _____ of (firm name) _____, and that I am duly authorized to execute this Validation Statement on behalf of this entity. I hereby state that this Southwest Indiana WIRED Conflict of Interest Form dated _____ is correct and current as submitted. I acknowledge that any false, deceptive, or fraudulent statements on this Validation Statement will result in rejection of my contract proposal.

Signature of Person Certifying for Selected Firm
(Original signature required)

Date

NOTICE

A material false statement, omission, or fraudulent inducement made in connection with this Southwest Indiana WIRED Conflict of Interest Form is sufficient cause for rejection of the contract proposal or revocation of a prior contract award.

Attachment 7

Disadvantaged Business Enterprise (DBE)

Inland Intermodal RFP

The requirement of 49 Code of Federal Regulations (CFR) Part 26 apply to this RFP. It is the policy of Southwest Indiana WIRED to ensure nondiscrimination based on race, color, sex or national origin in the award or performance of this RFP. All firms qualifying under this solicitation are encouraged to submit a proposal. Award of this RFP is conditional upon satisfying the DBE requirements. These requirements apply to all bidders/respondents, including those who qualify as a DBE.

In connection with the performance of this RFP, the selected bidder/respondent will cooperate with Southwest Indiana WIRED in meeting commitments and goals to the maximum utilization of DBEs and will use good faith efforts to ensure that such business enterprises shall have the maximum practicable opportunity to compete for employment and/or subcontract work arising out of the contract award.

DBE Contract Goal

A DBE contract goal of 10% percent has been established for this contract.

A prime consultant who is a certified DBE is eligible to claim all of the work in the contract toward the goal except the portion of the work to be performed by non-DBE sub-consultants.

Any proposal submitted without meeting the DBE goal or demonstrating good faith efforts to meet the DBE goal will automatically be disqualified.

Letter of Intent

The bidder/respondent shall submit a Letter of Intent (Attachment 8A) with the proposal to obtain credit for DBE participation in the performance of this contract.

The consultant may not substitute, add, or terminate a sub-consultant listed in the original proposal without written prior approval from the Executive Director of Southwest Indiana WIRED.

Good Faith Efforts

The bidder/respondent must make and document good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 8B), if the DBE contract goal was not attained or partially attained.

DBE Certification

The DBE firm must be certified at the time of proposal submission. A copy of the certification must be included in the proposal.

Administrative Reconsideration

Within fifteen (15) working days of being informed by Southwest Indiana WIRED that the apparent successful bidder/respondent was not responsive due to insufficient documentation of good faith

Attachment 7, cont.

efforts, a bidder/respondent may request administrative reconsideration. Requests must be made in writing to the following reconsideration official:

Theresa Current
Office Manager
Southwest Indiana WIRED
318 Main Street, Suite 221
Evansville, Indiana 47708
(812) 492-4303
Email: theresa.current@southwestindianawired.org

Administrative Reconsideration Process

1. As part of this reconsideration, the bidder/respondent will have the opportunity to provide written documentation or argument concerning this issue of whether it met the goal or made adequate good faith efforts to do so.
2. The reconsideration official will not have played any role in the original determination that the bidder/respondent did not document adequate good faith efforts to do so.
3. The bidder/respondent will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so.
4. A written decision or reconsideration will be sent to the bidder/respondent explaining the basis for the finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so.
5. The result of the reconsideration process is not administratively appealable to the Grow Southwest Indiana Workforce Board

Attachment 7a

LETTER OF INTENT

Inland Intermodal RFP

(Submit this page for each DBE sub-consultant)

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Ownership Code:	Black American	Hispanic American
	Native American	Subcont. Asian American
	Asian-Pacific American	Non-Minority Women
	Other (not of any group listed above)	

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above.

Affirmation:

The above named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: _____
Signature Title

If the bidder/offeror does not receive award of the prime contract, any and all representation in this Letter of Intent and Affirmation shall be null and void.

Attachment 7B

Electronic Code of Federal Regulations (e-CFR)

e-CFR Data is current as of April 24, 2008

Title 49: Transportation

Part 26 – Partnership by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs – Subpart F – Compliance and Enforcement

Appendix A to Part 26—Guidance Concerning Good Faith Efforts

- I. When, as a recipient, you establish a contract goal on a DOT-assisted contract, a bidder must, in order to be responsible and/or responsive, make good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.
- II. In any situation in which you have established a contract goal, part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, it is up to you to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere *pro forma* efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.
- III. The Department also strongly cautions you against requiring that a bidder meet a contract goal (i.e., obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring *bona fide* good faith efforts.
- IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.
 - A. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

Attachment 7B, cont.

- B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
- C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
- D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
- E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
- F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
- G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.
- V. In determining whether a bidder has made good faith efforts, you may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise

Attachment 7B, cont.

the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.

Attachment 8

Southwest Indiana Multi-Modal Task Force Members

Inland Intermodal RFP

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Attachment 8, cont.

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